

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

TECHNOLOGY DEVELOPMENT CO., : CIVIL ACTION NO. 05-4282 (MLC)  
LTD., :

Plaintiff, :

v. :

MICHAEL ONISCHENKO, :

Defendant. :

**ORDER & JUDGMENT**

**THE DEFENDANT HAVING MOVED** pursuant to Federal Rule of Civil Procedure 12(b)(3) to dismiss the complaint; and the Court having considered the papers submitted in support of and in opposition to the motion; and the Court having heard argument from the parties on September 30, 2005; and for the reasons stated by the Court on the record; and for good cause appearing;

**IT IS THEREFORE** on this 30th day of September, 2005, **ORDERED** that the motion to dismiss (dkt. entry no. 7) is **GRANTED**; and

**IT IS FURTHER ADJUDGED** that the complaint is **DISMISSED WITHOUT PREJUDICE**; and

**IT IS FURTHER ORDERED** that the Clerk of the Court designate the action as **CLOSED**.

\_\_\_\_\_  
s/ Mary L. Cooper  
**MARY L. COOPER**  
United States District Judge